

Exhibit No. 1a

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 25 2008
at _____ o'clock and _____ min. _____ M.
SUE BEITIA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG/LEK
)	
Plaintiff,	)	MOTION FOR DETERMINATION
	)	OF BACK PAY,
vs.	)	REINSTATEMENT OR FRONT
	)	PAY; DECLARATION OF
MICHAEL CHERTOFF, Secretary,	)	PLAINTIFF; EXHIBITS 1-4;
Department of Homeland Security;	)	DECLARATION OF COUNSEL;
JOHN DOES 2-5,	)	EXHIBITS 5; CERTIFICATE OF
	)	SERVICE
Defendants.)	
)	

MOTION FOR DETERMINATION OF
BACK PAY, REINSTATEMENT OR FRONT PAY

COMES NOW, Plaintiff RAYMOND WARE, by and through his attorney,
Daphne E. Barbee, and requests this Court make a determination on the amount of
back pay, reinstatement or front pay in lieu of reinstatement.

This motion is made pursuant to Rule 7 FRCP and the jury verdict finding
in favor of plaintiff Raymond Ware on his discrimination claims for non-

promotion, the attached Declaration of Plaintiff, exhibits, and such further evidence as may be presented to the Court for determination of back pay and front pay. Plaintiff request that a final judgment be entered after the Court determines appropriate back pay, reinstatement or front pay in this matter, pursuant to Rule 54(b) FRCP.

DATED: Honolulu, Hawaii, 3-26-05.

D. E. Barbée
DAPHNE E. BARBEE
Attorney for Plaintiff RAYMOND WARE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG/LEK
)	
Plaintiff,	)	DECLARATION OF RAYMOND
	)	WARE; EXHIBITS 1-4
vs.)	
)	
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security;)	
JOHN DOES 2-5,)	
)	
Defendants.)	
)	
)	
)	

DECLARATION OF RAYMOND WARE

I, RAYMOND E. WARE, declare under penalty of perjury as follows:

1. The job for TSA Screening Manager was listed at a salary of \$68,800.00 per year in August 2003, plus 25% COLA, for **\$86,000.00** per year. See Exhibit 1.
2. As a Screening Supervisor I earned \$41,652.00 plus 25% COLA, for **\$52,065.00** per year. See Exhibit 2.
3. For back pay, I request:
 - a. The difference between my salary as a Screening Supervisor (\$52,065.00) and Screening Manager (\$86,000.00) from August 29, 2003 through

November 25, 2003 (three months), in the amount of **\$8,483.73** (\$2,827.91 difference in pay per month).

b. On November 25, 2003 TSA Honolulu terminated me. Had I been promoted to the Screening Manager position, I would not have been terminated. Screening Managers did not have to undergo recertification tests. From November 25, 2003 until present, I request back pay.

c. My back pay award should be calculated at **\$86,000.00** per year (\$68,800.00 year with 25% COLA) (four years and three months). The total amount of back pay requested is **\$360,068.73**, (\$365,491.97 plus \$8,483.73 (August 29, 2003 - November 25, 2003) minus \$13,906.00 earned in 2005).

4. I mitigated damages by looking for work. The following describes various jobs I have sought.

a. I obtained unemployment compensation which required extensive job searches from November 2003 through May 2004.

b. I applied to the Honolulu Police Department as a police dispatcher in 2004.

c. I also applied for two vacant Aviation Security Inspector (ASI) positions with TSA in 2005. A recertification test was not required for this position.

- d. I applied to be a Hawaii State drivers license examiner in 2006.
- e. I obtained a temporary job as a Honolulu Police Department (HPD) dispatcher in March 1, 2005 and worked until September 1, 2005. I was laid off of work because HPD supervisor stated I could not pronounce Hawaiian street names correctly. Attached Exhibit 3 is a redacted copy of my 2005 W-2 tax information.
- f. I applied for work as a parking enforcement officer with the State of Hawaii 2006 and 2007.
- g. I applied to be a tax clerk with the State of Hawaii in 2005.
- h. I applied to be a delinquent tax collector for the State of Hawaii in 2007.
- i. I again applied for another open position at TSA, as an ASI in 2006.
- j. I applied to be a Sheriff for the State of Hawaii in 2006.
- k. I applied for Parking Enforcement No. 2 for the State of Hawaii in 2007.
- l. I applied with Elite Pacific for dispatcher and ATM guard in 2007.
- m. I applied to be a Federal Court security officer in 2007.

n. I applied for a court bailiff, State of Hawaii in 2007 and 2008.

o. I applied to Maui Police Department in 2006 to be a police officer.

5. In addition to the back pay I request 10% of prejudgment interest per year, which is an additional **\$36,500.99** (10% per year equals \$8,600.00 x 4 years = \$34,400.00, plus \$2,149.99 three months 10% of 21,499.97).

6. I request to be immediately reinstated as a Screening Manager. Presently I have learned that the Screening Manager position at TSA earns \$71,000.00 plus 25% COLA. See Exhibit 4.

7. I am ready and able to start work immediately. In the event defendant Department of Homeland Security does not want to reinstate me, I request future pay.

8. I am 55 years old and planned to remain employed with TSA until my retirement age of 66 years old.

FURTHER DECLARANT SAYETH NAUGHT.

DATED: Honolulu, Hawaii

3-25-08

Raymond E. Ware

RAYMOND E. WARE

Plaintiff